

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Todd Coleman,**

**Plaintiff,**

**-V-**

**Case No. 2:04-cv-01161  
JUDGE SMITH  
Magistrate Judge Abel**

**Universal Underwriters Insurance  
Company, et al.,**

**Defendants.**

**ORDER**

On June 10, 2005, defendant Mark Peters filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). The ground for the motion is that the tort of bad faith handling of an insurance claim applies only to insurers, and does not apply to individual employees of the insurer. For this proposition Peters cites Ohio cases in which the courts have indicated the duty to act in good faith in the processing and payment of claims is owed by the insurer to the insured. See, e.g., Staff Builders, Inc. v. Armstrong, 37 Ohio St.3d 298 (1988)(syllabus ¶ 1). The Court is not aware of any decision by an Ohio court holding that an

individual employee of an insurer can be held liable for the tort of bad faith handling of an insurance claim.

To date, plaintiff has not responded to Peters' motion to dismiss nor has plaintiff sought an extension of time to do so. The Court GRANTS defendant Mark Peters' motion to dismiss (Doc. 18).

The Clerk shall remove Doc. 18 from the Court's pending CJRA motions list.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**